

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

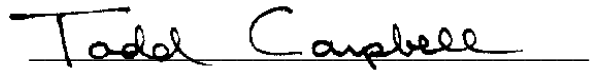
VITRAN EXPRESS, INC.)
)
v.) NO. 3:05-0992
) JUDGE CAMPBELL
TRIANGLE TRANSPORT, INC., SAIA)
MOTOR FREIGHT LINE, INC. and)
ROBINSON MAY)

ORDER

Pending before the Court are Plaintiff's Motion for Summary Judgment against Defendant Robinson May (Docket No. 41); Defendant Robinson May's Motion for Summary Judgment on its Crossclaim (Docket No. 46); and Defendant Triangle Transport, Inc.'s Motion for Summary Judgment against Plaintiff (Docket No. 53).

For the reasons stated in the accompanying Memorandum, Plaintiff's Motion for Summary Judgment against Defendant Robinson May (Docket No. 41) is DENIED; Defendant Robinson May's Motion for Summary Judgment on its Crossclaim (Docket No. 46) is GRANTED; and Defendant Triangle Transport, Inc.'s Motion for Summary Judgment against Plaintiff (Docket No. 53) is GRANTED in part and DENIED in part. Plaintiff's claims for action on account, breach of contract and violation of rules tariff against Defendant Triangle are DISMISSED.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE